

**LARKIN**  
**AXELROD**  
**INGRASSIA &**  
**TETENBAUM, LLP**  
ATTORNEYS AT LAW

WILLIAM J. LARKIN III  
ALAN J. AXELROD  
JOHN INGRASSIA  
  
AZRA J. KHAN  
JAMES A. BURKE  
JOHN J. TACKACH  
MICHAEL KOLB  
MARSHALL A. COURTNEY (NY,CT)  
MICHAEL RABIE  
KATHLEEN V. WELLS  
GUS P. FOTOPoulos  
DANIEL C. JACKSON III (NY,VA)  
DANA M. LOIACONO (NY,CT)  
JODI APPEL-KAPLAN (NY,NJ)  
CRAIG STEPHEN BROWN  
STEPHANIE BAZILE

ELLIOT S. TETENBAUM, OF COUNSEL  
ANGELO J. INGRASSIA, OF COUNSEL

356 MEADOW AVENUE  
NEWBURGH, NY 12550  
(845) 566-5345  
(845) 566-6834 FAX

34 ROUTE 17K  
NEWBURGH, NY 12550  
(845) 562-3366  
(845) 562-0859 FAX

626 EAST MAIN STREET  
MIDDLETOWN, NY 10940  
(845) 342-3366  
(845) 344-4996 FAX

WWW.LAITLAW.COM  
(888) 4-LAITLAW

SERVICE BY FACSIMILE NOT AUTHORIZED

June 13, 2008

**File #13138**

**VIA - MAIL AND ELECTRONICALLY FILED**

Court Clerk  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601-4150

Re: Kevin Brown, Deceased vs: The City of Newburgh, The City of  
Newburgh Police Dept., et al.  
Civ. No.: 08 CIV 5088  
Judge Karas

Dear Sir:

Enclosed herewith please find the original Summons and Affidavit  
of Services on behalf of the defendants in regards to the above  
captioned matter.

A copy of same has been electronically filed this date.

Would you kindly file these papers under the above Civ. No.

Your cooperation in this matter is appreciated.

Very truly yours,

**LARKIN, AXELROD, INGRASSIA  
& TETENBAUM, L.L.P.**

*Patti Salomatoff*

BY: PATTI SALOMATOFF  
(845) 926-5124

/pps  
Encl.

**United States District Court**  
 SOUTHERN NEW YORK  
 DISTRICT OF

ARLINE BROWN, as Administratrix of the Estate  
 of KEVIN BROWN, Deceased,

**SUMMONS IN A CIVIL CASE**

V.

CASE NUMBER:

(See annexed rider for list of defendants)

**08 CV. 5088**

TO: (Name and address of defendant)

(See annexed rider for list of name and addresses(s) of defendants)

**JUDGE KARAS**

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

**LARKIN, AXELROD, INGRASSIA & TETENBAUM, LLP.**

34 Route 17K  
 Newburgh, New York 12550

an answer to the complaint which is herewith served upon you, within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

CLERK

(BY) DEPUTY CLERK

DATE

*JUN - 3 2008*

*(Rider: List of Defendants)*

THE CITY OF NEWBURGH, THE CITY  
OF NEWBURGH POLICE DEPARTMENT,  
ERIC PAOLILLI, Individually and in his Official  
Capacity as the Chief of Police and a Police Officer  
employed in the City of Newburgh Police Department  
by the City of Newburgh, ERIK ELTZ, Individually and  
in his Official Capacity as a Police Officer employed in the  
City of Newburgh Police Department by the City of  
Newburgh, FRANK LABRADA, Individually and  
in his Official Capacity as a Police Officer employed  
in the City of Newburgh Police Department by the City  
of Newburgh, DONALD CAMPBELL, Individually  
and in his Official Capacity as a Police Officer employed  
in the City of Newburgh Police Department by the  
City of Newburgh, WILLIAM ROSE, Individually and  
in his Official Capacity as a Police Officer employed  
in the City of Newburgh Police Department by the  
City of Newburgh, and PAUL WEBER, Individually  
and in his Official Capacity as a Police Officer  
employed in the City of Newburgh Police Department  
by the City of Newburgh,

*Defendants.*

*(Rider: List of Defendants and addresses)*

CITY OF NEWBURGH  
Defendant  
83 Broadway  
Newburgh, New York 12550

CITY OF NEWBURGH POLICE DEPARTMENT  
Defendant  
55 Broadway  
Newburgh, New York 12550

ERIC PAOLILLI, Individually and in his Official Capacity as the Chief of Police and a Police Officer employed in the City of Newburgh Police Department by the City of Newburgh  
Defendant In Person  
c/o City of Newburgh Police Department  
55 Broadway  
Newburgh, New York 12550

ERIK ELTZ, Individually and in his Official Capacity as a Police Officer employed in the City of Newburgh Police Department by the City of Newburgh  
Defendant In Person  
c/o City of Newburgh Police Department  
55 Broadway  
Newburgh, New York 12550

FRANK LABRADA, Individually and in his Official Capacity as a Police Officer employed in the City of Newburgh Police Department by the City of Newburgh  
Defendant In Person  
c/o City of Newburgh Police Department  
55 Broadway  
Newburgh, New York 12550

DONALD CAMPBELL, Individually and in his Official Capacity as a Police Officer employed in the City of Newburgh Police Department by the City of Newburgh  
Defendant In Person  
c/o City of Newburgh Police Department  
55 Broadway  
Newburgh, New York 12550

WILLIAM ROSE, Individually and in his Official Capacity as a Police Officer employed in the City of Newburgh Police Department by the City of Newburgh  
Defendant In Person  
c/o City of Newburgh Police Department  
55 Broadway  
Newburgh, New York 12550

PAUL WEBER, Individually and in his Official Capacity as a Police Officer employed in the City of Newburgh Police Department by the City of Newburgh  
Defendant In Person  
c/o City of Newburgh Police Department  
55 Broadway  
Newburgh, New York 12550

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARLINE BROWN AS ADMINISTRATRIX OF THE ESTATE  
OF KEVIN BROWN, DECEASED

INDEX NO.: 08 CIV 5088

YOUR FILE: 13138 PPS

Plaintiff(s), Petitioner(s)

against

**AFFIDAVIT OF SERVICE**

CITY OF NEWBURGH AND CITY OF NEWBURGH  
POLICE DEPARTMENT

Defendant(s), Respondent(s)

STATE OF NEW YORK: COUNTY OF ORANGE: ss:

**CRAIG WILLIAMS** being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Cornwall on Hudson, NY.

That on **June 10, 2008** at **9:13 AM** at **83 Broadway, Newburgh, NY 12550**, deponent served the within **Civil Summons and Complaint** on **City of Newburgh**, (Defendant/Respondent) herein known as Recipient.

Said service was effected in the following manner:

**CORPORATION/**  
**BUSINESS ENTITY**

A Government Agency by delivering thereat a true copy of each to **Lorene Vitek** personally. Deponent knew said City of Newburgh so served to be the Government Agency described as **City of Newburgh** and knew said individual to be the **City Clerk** thereof, authorized to accept service of process.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: **Female** Skin: **Caucasian** Hair: **Brown** Age(Approx): **45** Height(Approx): **5' 5"** Weight(Approx): **130-140 lbs**  
Other: **wears eyeglasses**

Sworn to before me on Tuesday, June 10, 2008

*Denise Accurso-Post*

DENISE ACCURSO-POST  
Notary Public, State of New York  
No. 4979759  
Qualified in Dutchess County  
Commission Expires April 8, 2011

*Craig Williams*  
CRAIG WILLIAMS

**Court Services Inc.**

5 Paula Court  
Cornwall on Hudson, NY 12520  
(845) 534-4236 (845) 534-4295 Fax  
mailto:courtservicesinc@aol.com  
[www.courtservicesinc.com](http://www.courtservicesinc.com)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARLINE BROWN AS ADMINISTRATRIX OF THE ESTATE  
OF KEVIN BROWN, DECEASED

INDEX NO.: 08 CIV 5088

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Plaintiff(s), Petitioner(s)

against

**AFFIDAVIT OF SERVICE**

CITY OF NEWBURGH AND CITY OF NEWBURGH  
POLICE DEPARTMENT

Defendant(s), Respondent(s)

STATE OF NEW YORK: COUNTY OF ORANGE: ss:

**CRAIG WILLIAMS** being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Cornwall on Hudson, NY.

That on **June 10, 2008** at **9:03 AM** at **55 Broadway, Newburgh, NY 12550**, deponent served the within **Civil Summons and Complaint** on **City of Newburgh Police Department**, (*Defendant/Respondent*) herein known as Recipient.

Said service was effected in the following manner:

**CORPORATION/**  
**BUSINESS ENTITY**

A Government Agency by delivering thereat a true copy of each to **Joseph Lee** personally. Deponent knew said City of Newburgh Police Department so served to be the Government Agency described as **City of Newburgh Police Department** and knew said individual to be the **Managing Agent and Records Sergeant** thereof, authorized to accept service of process.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: **Male** Skin: **Caucasian** Hair: **Black** Age(Aprox): **36-50** Height(Aprox): **5' 8"** Weight(Aprox): **200-225 lbs**  
Other:

Sworn to before me on Tuesday, June 10, 2008

Denise Accurso-Post

DENISE ACCURSO-POST  
Notary Public, State of New York  
No. 4979759  
Qualified in Dutchess County  
Commission Expires April 8, 2011

Craig Williams  
CRAIG WILLIAMS

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKARLINE BROWN AS ADMINISTRATRIX OF THE ESTATE  
OF KEVIN BROWN DECEASED

INDEX NO.: 08 CIV 5088

YOUR FILE: 13138 PPS

Plaintiff(s), Petitioner(s)

against

## AFFIDAVIT OF SERVICE

CITY OF NEWBURGH AND CITY OF NEWBURGH  
POLICE DEPARTMENT

Defendant(s), Respondent(s)

STATE OF NEW YORK: COUNTY OF ORANGE: ss:

**CRAIG WILLIAMS** being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Cornwall on Hudson, NY.

That on **June 10, 2008 at 9:03 AM** at **55 Broadway, c/o City of Newburgh Police Department, Newburgh, NY 12550**, deponent served the within **Civil Summons and Complaint** on **Eric Paolilli Individually and in his Official Capacity as the Chief of Police and a Police Officer Employed in The City of Newburgh Police Department, (Defendant/Respondent)** herein known as Recipient.

Said service was effected in the following manner;

**SUITABLE AGE PERSON**

By delivering thereat a true copy of each to **JOSEPH LEE, Managing Agent and Records Sergeant**, a person of suitable age and discretion. That person was also asked by deponent whether said premises was the recipient's dwelling place and their reply was affirmative.

Deponent also enclosed a copy of same in a postpaid sealed envelope, properly addressed to recipient at recipient's dwelling place at **55 Broadway, c/o City of Newburgh Police Department, Newburgh, NY 12550** and deposited said envelope in an official depository under the exclusive care and custody of the United States Postal Service within State of New York on **06/10/08**.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: **Male** Skin: **Caucasian** Hair: **Black** Age(Approx): **36-50** Height(Approx): **5' 8"** Weight(Approx): **200-225 lbs**  
Other:

I asked the person spoken to, whether recipient was in active military service of any kind whatsoever and received a negative reply.

Sworn to before me on Tuesday, June 10, 2008

Denise Accurso-Post

DENISE ACCURSO-POST  
Notary Public, State of New York  
No. 4979759  
Qualified in Dutchess County  
Commission Expires April 8, 2011

Craig Williams  
CRAIG WILLIAMS

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKARLINE BROWN AS ADMINISTRATRIX OF THE ESTATE  
OF KEVIN BROWN, DECEASED

INDEX NO.: 08 CIV 5088

YOUR FILE: 13138 PPS

Plaintiff(s), Petitioner(s)

against

## AFFIDAVIT OF SERVICE

CITY OF NEWBURGH AND CITY OF NEWBURGH  
POLICE DEPARTMENT

Defendant(s), Respondent(s)

STATE OF NEW YORK: COUNTY OF ORANGE: ss:

**CRAIG WILLIAMS** being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Cornwall on Hudson, NY.

That on **June 10, 2008 at 9:03 AM** at **c/o City of Newburgh Police Department , 55 Broadway, Newburgh, NY 12550**, deponent served the within **Civil Summons and Complaint** on **Erik Eltz Individually and in his Official Capacity as a Police Officer employed in the City of Newburgh Police Department by the City Of Newburgh, (Defendant/Respondent)** herein known as Recipient.

Said service was effected in the following manner;

**SUITABLE AGE PERSON**

By delivering thereat a true copy of each to JOSEPH LEE, Managing Agent and Records Sergeant, a person of suitable age and discretion. That person was also asked by deponent whether said premises was the recipient's dwelling place and their reply was affirmative.

Deponent also enclosed a copy of same in a postpaid sealed envelope, properly addressed to recipient at recipient's dwelling place at **c/o City of Newburgh Police Department , 55 Broadway, Newburgh, NY 12550** and deposited said envelope in an official depository under the exclusive care and custody of the United States Postal Service within State of New York on **06/10/08**.

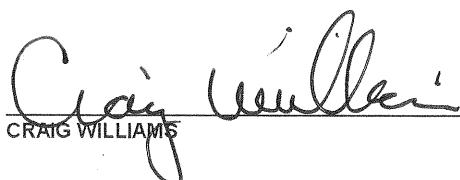
Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: **Male** Skin: **Caucasian** Hair: **Black** Age(Approx): **36-50** Height(Approx): **5' 8"** Weight(Approx): **200-225 lbs**  
Other:

I asked the person spoken to, whether recipient was in active military service of any kind whatsoever and received a negative reply.

Sworn to before me on Tuesday, June 10, 2008

Denise Accurso-Post

  
CRAIG WILLIAMS

DENISE ACCURSO-POST  
Notary Public, State of New York  
No. 4979759  
Qualified in Dutchess County  
Commission Expires April 8, 2011

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARLINE BROWN AS ADMINISTRATIX OF THE ESTATE  
OF KEVIN BROWN DECEASED

INDEX NO.: 08 CIV 5088

YOUR FILE: 13138 PPS

Plaintiff(s), Petitioner(s)

against

**AFFIDAVIT OF SERVICE**

CITY OF NEWBURGH AND CITY OF NEWBURGH  
POLICE DEPARTMENT

Defendant(s), Respondent(s)

STATE OF NEW YORK: COUNTY OF ORANGE ss:

**CRAIG WILLIAMS** being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Cornwall on Hudson, NY.

That on **June 10, 2008** at **9:03 AM** at **c/o City of Newburgh Police Department, 55 Broadway, Newburgh, NY 12550**, deponent served the within **Civil Summons and Complaint on Frank Labrada Individually and in his Official Capacity as a Police Officer employed in the City of Newburgh, (Defendant/Respondent)** herein known as Recipient.

Said service was effected in the following manner;

**SUITABLE AGE PERSON**

By delivering thereat a true copy of each to JOSEPH LEE, Managing Agent and Records Sergeant, a person of suitable age and discretion. That person was also asked by deponent whether said premises was the recipient's dwelling place and their reply was affirmative.

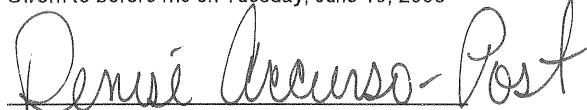
Deponent also enclosed a copy of same in a postpaid sealed envelope, properly addressed to recipient at recipient's dwelling place at **c/o City of Newburgh Police Department, 55 Broadway, Newburgh, NY 12550** and deposited said envelope in an official depository under the exclusive care and custody of the United States Postal Service within State of New York on **06/10/08**.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

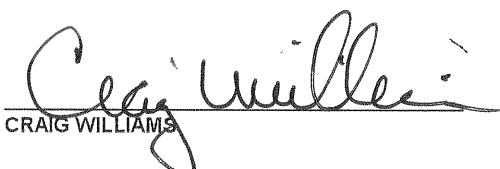
Sex: **Male** Skin: **Caucasian** Hair: **Black** Age(Approx): **36-50** Height(Approx): **5' 8"** Weight(Approx): **200-225 lbs**  
Other:

I asked the person spoken to, whether recipient was in active military service of any kind whatsoever and received a negative reply.

Sworn to before me on Tuesday, June 10, 2008



DENISE ACCURSO-POST  
Notary Public, State of New York  
No. 4979759  
Qualified in Dutchess County  
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CRAIG WILLIAMS

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKARLINE BROWN AS ADMINISTRATRIX OF THE ESTATE  
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INDEX NO.: 08 CIV 5088

Plaintiff(s), Petitioner(s)

YOUR FILE: 13138 PPS

against

## AFFIDAVIT OF SERVICE

CITY OF NEWBURGH AND CITY OF NEWBURGH  
POLICE DEPARTMENT

Defendant(s), Respondent(s)

STATE OF NEW YORK: COUNTY OF ORANGE: ss:

**CRAIG WILLIAMS** being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Cornwall on Hudson, NY.

That on **June 10, 2008** at **9:03 AM** at **c/o City of Newburgh Police Department, 55 Broadway, Newburgh, NY 12550**, deponent served the within **Civil Summons and Complaint** on **Donald Campbell Individually and in the Official Capacity as a Police Officer of the City of Newburgh Police Department by the City of Newburgh, (Defendant/Respondent)** herein known as Recipient.

Said service was effected in the following manner;

**SUITABLE AGE PERSON**

By delivering thereat a true copy of each to **JOSEPH LEE**, Managing Agent and Records Sergeant, a person of suitable age and discretion. That person was also asked by deponent whether said premises was the recipient's dwelling place and their reply was affirmative.

Deponent also enclosed a copy of same in a postpaid sealed envelope, properly addressed to recipient at recipient's dwelling place at **c/o City of Newburgh Police Department, 55 Broadway, Newburgh, NY 12550** and deposited said envelope in an official depository under the exclusive care and custody of the United States Postal Service within State of New York on **06/10/08**.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: **Male** Skin: **Caucasian** Hair: **Black** Age(Approx): **36-50** Height(Approx): **5' 8"** Weight(Approx): **200-225 lbs**  
Other:

I asked the person spoken to, whether recipient was in active military service of any kind whatsoever and received a negative reply.

Sworn to before me on Tuesday, June 10, 2008

Denise Accurso-Post

DENISE ACCURSO-POST  
Notary Public, State of New York  
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Qualified in Dutchess County  
Commission Expires April 8, 2011

Craig Williams  
CRAIG WILLIAMS

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARLINE BROWN AS ADMINISTRATRIX OF THE ESTATE  
OF KEVIN BROWN, DECEASED

Plaintiff(s), Petitioner(s)

against

CITY OF NEWBURGH AND CITY OF NEWBURGH  
POLICE DEPARTMENT

Defendant(s), Respondent(s)

INDEX NO.: 08 CIV 5088

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**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK: COUNTY OF ORANGE: ss:

**CRAIG WILLIAMS** being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Cornwall on Hudson, NY.

That on **June 10, 2008** at **9:03 AM** at **c/o City of Newburgh Police Department, 55 Broadway, Newburgh, NY 12550**, deponent served the within **Civil Summons and Complaint** on **William Rose Individually and in his Official Capacity as a Police Officer of The City of Newburgh Police Department by the City of Newburgh, (Defendant/Respondent)** herein known as Recipient.

Said service was effected in the following manner;

**SUITABLE AGE PERSON**

By delivering thereat a true copy of each to **JOSEPH LEE**, Managing Agent and Records Sergeant, a person of suitable age and discretion. That person was also asked by deponent whether said premises was the recipient's dwelling place and their reply was affirmative.

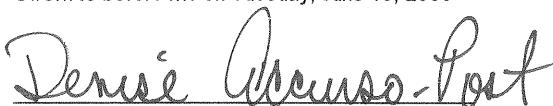
Deponent also enclosed a copy of same in a postpaid sealed envelope, properly addressed to recipient at recipient's dwelling place at **c/o City of Newburgh Police Department, 55 Broadway, Newburgh, NY 12550** and deposited said envelope in an official depository under the exclusive care and custody of the United States Postal Service within State of New York on **06/10/08**.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

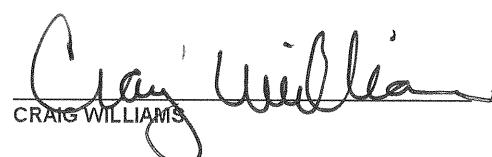
Sex: **Male** Skin: **Caucasian** Hair: **Black** Age(Approx): **36-50** Height(Approx): **5' 8"** Weight(Approx): **200-225 lbs**  
Other:

I asked the person spoken to, whether recipient was in active military service of any kind whatsoever and received a negative reply.

Sworn to before me on Tuesday, June 10, 2008



DENISE ACCURSO-POST  
Notary Public, State of New York  
No. 4979759  
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Commission Expires April 8, 2011

  
CRAIG WILLIAMS

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKARLINE BROWN AS ADMINISTRATIX OF THE ESTATE  
OF KEVIN BROWN, DECEASED

INDEX NO.: 08 CIV 5088

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Plaintiff(s), Petitioner(s)

against

## AFFIDAVIT OF SERVICE

CITY OF NEWBURGH AND CITY OF NEWBURGH  
POLICE DEPARTMENT

Defendant(s), Respondent(s)

STATE OF NEW YORK: COUNTY OF ORANGE: ss:

**CRAIG WILLIAMS** being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Cornwall on Hudson, NY.That on **June 10, 2008 at 9:03 AM** at/ <sup>c/o City of Newburgh Police Dept. 55 Broadway, Newburgh, NY</sup> deponent served the within **Civil Summons and Complaint on Paul Weber** Individually and in his Capacity as a Police Officer for The City of Newburgh Police Department by the City of Newburgh, (Defendant/Respondent) herein known as Recipient.

Said service was effected in the following manner:

**SUITABLE AGE PERSON**

By delivering thereat a true copy of each to JOSEPH LEE, Managing Agent and Records Sergeant, a person of suitable age and discretion. That person was also asked by deponent whether said premises was the recipient's and their reply was affirmative.

Deponent also enclosed a copy of same in a postpaid sealed envelope, properly addressed to recipient at recipient's at and deposited said envelope in an official depository under the exclusive care and custody of the United States Postal Service within on **06/10/08**.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: **Male** Skin: **Caucasian** Hair: **Black** Age(Approx): **36-50** Height(Approx): **5' 8"** Weight(Approx): **200-225 lbs**  
Other:

I asked the person spoken to, whether recipient was in active military service of any kind whatsoever and received a negative reply.

Sworn to before me on Tuesday, June 10, 2008

*Denise Accurso-Post*  
 DENISE ACCURSO-POST  
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*Craig Williams*  
 CRAIG WILLIAMS

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